

1  
2  
3  
4  
5  
6  
7 UNITED STATES DISTRICT COURT  
8 EASTERN DISTRICT OF CALIFORNIA  
9

10 NATURAL RESOURCES DEFENSE  
11 COUNCIL, et al.,

12 Plaintiffs,

13 v.

14 KIRK C. RODGERS, etc., et al.,

15 Defendants.

NO. CIV. S-88-1658 LKK

O R D E R

16 \_\_\_\_\_/  
A Fed. R. Civ. P. 26(f) conference was held in the  
17 above-captioned case on April 28, 2005. During that conference,  
18 the parties discussed with the court two legal questions: (1)  
19 whether Section 5937 preempts the planning mandate of Section  
20 3406(a) of the CVPIA, and (2) what the appropriate scope of the  
21 court's remedial authority is under the APA. Based on that  
22 discussion, the court hereby ORDERS that:

23 1. The parties are directed to submit their arguments on  
24 these two issues according to the following schedule<sup>1</sup>:

25 \_\_\_\_\_  
26 <sup>1</sup> Plaintiffs represent to the court that these issues have  
been fully briefed. The parties are encouraged to extract the

1 a. Plaintiffs are directed to submit a motion covering  
2 these issues within ten (10) days of this order;

3 b. Defendants must file their opposition within fifteen  
4 (15) days of plaintiffs' motion;

5 c. Plaintiffs will have ten (10) days to reply; and

6 d. A hearing will be set if the court believes it  
7 necessary.

8 IT IS SO ORDERED.

9 DATED: April 28, 2005.

10  
11 /s/Lawrence K. Karlton  
12 LAWRENCE K. KARLTON  
13 SENIOR JUDGE  
14 UNITED STATES DISTRICT COURT  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

25 \_\_\_\_\_  
26 relevant arguments from previously submitted briefs, if this is  
indeed the case.